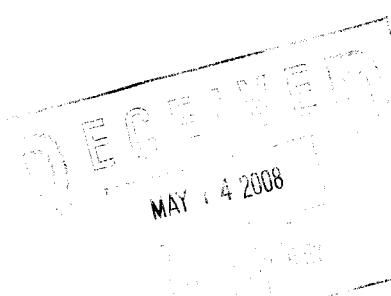


BERG PARTNERS LLP

May 15, 2008

USDC SDNY
DOCUMENT
Berg Partners Law Offices 160 Franklin Avenue, 59th Floor
DOC #: New York, NY 10118
DATE FILED: <u>May 19, 2008</u>
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MEMO ENDORSED**BY FAX 212-805-6390**

Hon. William H. Pauley
 United States District Court Judge
 Southern District of New York
 500 Pearl Street (Chambers - 2210)
 New York, New York 10007

RE: Sunco Group Inc. v. Earth Biofuels, Inc.
07 CV 4776 (WHP)

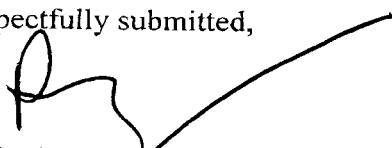
Application granted.
 SO ORDERED:

W.H. Pauley
 W.H. PAULEY III U.S.D.J.
5/16/08

Dear Judge Pauley:

I represent the Plaintiff, Sunco Group, Inc. in the above-captioned action. Pursuant to Your Honor's Scheduling Order dated January 22, 2008, the Court scheduled the completion of discovery for today, May 15th. Both parties respectfully request that such deadline be adjourned until June 2nd. Such an adjournment will not affect the remaining dates on such Scheduling Order.

Respectfully submitted,


 Philip C. Berg

cc: Joshua Kimerling, Esq. (By E-mail: JKimerling@CuddyFeder.com and By Fax: 914-761-5372)